

## **REMARKS**

Claims 9-18 and 27 have been amended. Claims 1-27 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 101 Rejection:**

The Examiner rejected claims 10-18 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection. However, to expedite prosecution, claims 10-18 have been amended. Withdrawal of the § 101 rejection is respectfully requested.

### **Section 103(a) Rejection:**

The Examiner rejected claims 1-27 under 35 U.S.C. § 103(a) as being unpatentable over Mangipudi et al. (U.S. Patent 6,728,748) (hereinafter “Mangipudi”) in view of Lin et al. (U.S. Patent 6,463,068) (hereinafter “Lin”). Applicants respectfully traverse this rejection for at least the reasons presented below.

**Regarding claim 1, Mangipudi in view of Lin does not teach or suggest propagating said quality of service context with said request in the server system, wherein said propagating comprises sending data indicating the quality of service context with the request.** The Examiner admits that Mangipudi does not teach sending data indicating a quality of service context with the request. The Examiner relies on Lin, citing column 3, lines 12-25, to teach sending data indicating a quality of service context with a request. Lin teaches including a Class of Service (COS) identifier field in the header of a request packet. However, Mangipudi teaches that a class of service is defined for an incoming request and based on that class of service, the request will be forwarded to a particular server machine (Mangipudi, column 5, lines 36-43; column 6, lines 9-10; column 7, lines 60-64; column 7, line 67- column 8, line 5). Mangipudi’s servers are grouped and classified according to the class of service provided by each server.

Mangipudi's router delivers requests to an appropriate server. Mangipudi further teaches that the router may also direct a request to a different server, in the same group of servers, for load-balancing purposes. *See* Mangipudi, column 9, lines 25-44 and column 10, lines 25-31.

Since in Mangipudi's system the same router that determines and assigned a class of service also routers the request to a particular server, Mangipudi clearly teaches away from propagating a quality of service context with a request. It would not make sense for the router in Mangipudi to propagate a quality of service context with the request because the request is already routed to the correct server for the assigned class. In Mangipudi, there is no need for any class of service based routing as taught in Lin. Instead, Mangipudi's router simply sends the request to a server for the assigned class of service. The Examiner's contention that unless the quality of service context is propagated with the request, "the server would not be able to do its job" is completely unsupported by Mangipudi's teachings. To the contrary, the servers in Mangipudi are already assigned to a specific class and requests are directly routed to the appropriate server group. It would serve no purpose and make no sense in Mangipudi's system to send data indicating a quality of service context with the request.

The intended operation of Mangipudi's system is for the router to determine the class of service and sends the request to the appropriate server. This operation clearly does not require or suggest that any quality of service context be propagated with the request. Mangipudi does not mention that the back-end server in any way requires, uses or would benefit from, the assigned class of service. Instead, Mangipudi teaches that each cluster or group of servers can be designated with a particular class of service and that, based on this class, a request will be directed to one of the clusters. *See*, Mangipudi, column 9, lines 53-55. Thus, as noted above, Mangipudi teaches assigning an incoming request a particular class, and based on that class, forwarding the request to a particular server or cluster. Since the receiving server is already designated by the particular class of service and since the requests forwarded to that server are also assigned the same class of service, not only is there no need to propagate a quality of service context with a

request in Mangipudi's system, it would serve no purpose. Thus, one of ordinary skill in the art would not modify Mangipudi's system according to Lin in the manner proposed by the Examiner.

**Furthermore, the Examiner has not provided a proper motivation to combine Mangipudi and Lin.** The Examiner argues that the combination of Mangipudi and Lin "satisfies the need for a routing system that can be flexibly designed and implemented and that ensures that users are directed to web servers and content commensurate with their service levels." However, the Examiner's statement merely reflects the benefits of Mangipudi's own system and does not provide any reason to propagate a quality of service context with a request that has already been routed to the correct server class. Moreover, the Examiner's statement of motivation merely refers to benefits provided by any system that includes "routing by class" as taught by Mangipudi. In fact, one seeking "to ensure that users are directed to web servers and content commensurate with their service levels" would simply use Mangipudi's system since Mangipudi's system provides that benefit via a router that directs requests to particular server or a particular server cluster based on a determined class of service. There is no need to modify Mangipudi to obtain the Examiner's stated motivation. As discussed above, there is no need or motivation for the router in Mangipudi to propagate a quality of service context with the request, either using the COS tags of Lin or otherwise. Instead, the router simply sends the request to a server for the assigned class of service.

Thus, the Examiner has not provided a proper motivation to combine Mangipudi and Lin. Instead, the Examiner's combination of Mangipudi and Lin is based on impermissible hindsight in view of Applicants' disclosure.

For at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claims 10 and 19 as well.

Regarding claim 7, Mangipudi in view of Lin fails to teach or suggest inserting the quality of service context adjacent to at least one of a security and transaction context as part of propagating the quality of service context with said request. The Examiner cites column 10, lines 21-25 of Mangipudi. However, the cited passage makes absolutely no mention of inserting a quality of service context adjacent to at least one of a security and transaction context. Instead, the cited passage only states that classification of traffic based on Mangipudi's techniques allows for differentiation of service and prioritization of revenue generating transactions versus non-revenue generating transactions. Mangipudi, even if combined with Lin, does not teach anything regarding inserting a quality of service context adjacent to at least one of a security and transaction context.

Lin, whether considered singly or in combination with Mangipudi, also fails to teach or suggest the limitations of claim 7. Lin, even in light of Mangipudi, does not describe inserting a quality of service context adjacent to a least one of a security and transaction context. Instead, Lin only describes having a class of service (COS) identifier field in packet headers.

In the Response to Arguments, the Examiner again cites column 10, lines 21-25 and contends argues that Mangipudi's system "shows transaction prioritization used in conjunction with the class of service parameters" and that "[t]his meets the limitation of an adjacent transaction context." However, the Examiner has failed to consider the fact that claim 7 recites, *inserting the quality of service context adjacent to at least one of a security and transaction context as part of propagating the quality of service context with said request*. The mere fact that Mangipudi teaches a system in which a client's class of service may be based on a transaction and or an authentication process does not disclose *inserting a quality of service context adjacent to a security and/or transaction context as part of propagating the quality of service context with said request*. The Examiner has clearly misinterpreted the teachings of Mangipudi in view of Lin and failed to consider the specific language and limitation of Applicants' claim.

Thus, the rejection of claim 7 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claims 16 and 25.

**Regarding claim 9, Mangipudi in view of Lin fails to teach or suggest wherein a request manager service dispatches the request including the quality of service context to a software component in a plurality of software components, based on the quality of service context.** The Examiner cites column 10, lines 25 – 31 of Mangipudi. However, the cited passage of Mangipudi does not refer to dispatching a request including a quality of service context to a software component in a plurality of software components based on the quality of service context. Instead, the cited passage describes selecting a particular “back-end server machine” depending upon a load balancing algorithm or a class of service assigned to the request. Mangipudi states, “the request will be load-balanced to the particular back-end server.” Mangipudi does not, even if considered in combination with Lin, teach or suggest dispatching a request to a particular software component based a quality of service context included in the request. Mangipudi (in combination with Lin) describes selecting a different machine based on a class of service assigned to a request, but does not mention anything regarding dispatching a request to a particular software component based a quality of service context included in the request.

Lin also fails to teach or suggest the limitations of claim 9 and therefore does not overcome Mangipudi failure to teach or suggest **wherein a request manager service dispatches the request including the quality of service context to a software component in a plurality of software components, based on the quality of service context** noted above. The Examiner’s combination of cited art fails to teach or suggest all the limitations of Applicants’ claim. Thus, the rejection of claim 9 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 18 and 27.

## CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-90800/RCK.

Respectfully submitted,

/Robert C. Kowert/  
Robert C. Kowert, Reg. #39,255  
Attorney for Applicants

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Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

Date: February 13, 2007